

In the claims:

1. (Currently amended) An apparatus comprising:

a structural panel having an outside edge and a plurality of holdown attachment points on the outside edge of the structural panel;

a plurality of deflection [elements in the structural panel to control the] means to enable ductility of the structural panel;

a plurality of foundation bolts for embedding in a foundation or slab or stem wall and

a foundation bolt placement template for defining a mounting location for the structural panel, and locating and supporting the foundation bolts during fabrication of the foundation or slab or stem wall; and

means for attaching the structural panel holdown attachment points to the foundation bolts for transferring the lateral forces applied to the structural panel to the foundation or slab or stem wall.

2. (Previously presented) The apparatus of claim 1 wherein the means for attaching the structural panel to the foundation bolts further comprises:

a plurality of holdowns for transferring the shear forces developed in the structural frame to the foundation bolts, each holdown attached to at least one holdown attachment point, each holdown securing the structural panel to a foundation bolt.

3. (Currently amended) The apparatus of claim 1 wherein the structural panel further comprises:

a generally rectangular structural frame having two coplanar vertical side members connected by two or more coplanar horizontal members forming a generally rectangular opening therebetween, each vertical side member having an inside surface and an outside surface;

a plurality of holdown attachment points on each vertical side member;

one or more lateral force resisting members connected to the structural frame to resist lateral forces applied to the structural frame; and

a plurality of deflection means [elements] in the one or more lateral force resisting members to [control the] enable ductility of the structural panel.

4. (Previously presented) The apparatus of claim 3 wherein the one or more lateral force resisting members comprise:

one or more horizontal spacing members coplanar to and connecting the vertical side members subdividing the generally rectangular opening forming two or more subopenings; and

one or more generally rectangular panels connecting each vertical side member at a vertical joint, the panel covering the two or more subopenings.

5. (Previously presented) The apparatus of claim 3 wherein the one or more lateral force resisting members is metal.

6. (Previously presented) The apparatus of claim 3 wherein the one or more lateral force resisting members comprise:

a plurality of generally rectangular coplanar panels attached to and connecting adjacent vertical members at a vertical joint, each panel covering a horizontally adjacent, generally rectangular opening.

7. (Previously presented) The apparatus of claim 6 wherein the plurality of panels are attached to the vertical members using a plurality of fasteners securing each panel to each vertical member.

8. (Canceled)

9. (Currently amended) The apparatus of claim 1 wherein the plurality of deflection means [elements] are arranged in a pattern.

10. (Currently amended) The apparatus of claim 9 wherein the pattern of deflection means [elements] includes one or more linear patterns.

11. (Currently amended) The apparatus of claim 9 wherein the pattern of deflection means [elements] includes two or more parallel linear patterns.

Claims 1-7 and 9-11 remain pending in the application.

The applicants appreciate the telephone interview granted by the Examiner May 23, 2005. The claims as amended reflect the substance of the interview.

Claims 1-7 and 9-11 stand rejected under 35 U.S.C. § 103(a) as unpatentable over US Patent No. 5,706,626 to Mueller. Every element of Mueller is included to limit, ductility of the Mueller panel. For example, the Mueller "diaphragm members 110a and 110b resist the shear forces", (Col. 8, lines 64-65) and "[t]he reinforcing members 140 serve the purpose of reducing the tendency of the diaphragm members 110a and 110b to buckle under the loads generated by the shear forces." (Col 9, lines 5-8)

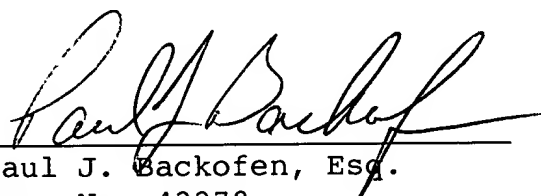
The claims as amended include deflection means to enable ductility. Nothing in Mueller teaches or suggests deflection means to enable ductility under shear loads.

#### Conclusion

This response has addressed all of the Examiner's grounds for rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

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